

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0087-25 **Applicant:** Dorset Homes Ltd

Proposal: Details of archaeological investigation & surface water disposal
(Conditions 4 & 8 of H04-0650-23)

Location: Adjacent To 33 Church Street Donington Spalding

Terminal Date: 27th March 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Condition 4 and 8 of planning approval H04-0650-23, relating to details in relation to the archaeological investigation and surface water disposal.

Planning approval H04-0650-23 granted planning permission for the erection of one dwelling.

Site Description

The application site lies on the eastern side of Church Street and is currently serving as a driveway for No.33 Church Street. The site is within a highly sensitive portion of the conservation area, being a street frontage proposal along one of the primary routes of entry and egress into and out of the town centre, and within very close visual range of a number of listed buildings, including the Grade I listed church of St Mary and the Holy Rood.

History

H04-0384-23 - Proposed Bungalow - Refused 13 June 2023

H04-0650-23 - Proposed Bungalow - re-submission of H04-0384-23 - Approved 14 November 2023

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Historic Environment Officer

Thank you for consulting us on this.

The submitted archaeological WSI meets the required standards, and We can recommend discharge in full of Conditions 4 of H04-0650-23.

LCC Highway and Lead Local Flood Authority

The conditions for discharge of not Lincolnshire County Council requested conditions. This is for the erection of 1 dwelling, so it is for the Local Planning Authority to assess the surface water drainage.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

This proposal seeks to discharge Condition 4 and 8 of planning approval H04-0650-23, relating to details in relation to the archaeological investigation and surface water disposal.

Condition Details

The conditions detail:

Condition 4

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include

the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*
 - 2. A methodology and timetable of site investigation and recording*
 - 3. Provision for site analysis*
 - 4. Provision for publication and dissemination of analysis and records*
 - 5. Provision for archive deposition*
 - 6. Nomination of a competent person/organisation to undertake the work*
 - 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.*
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.*

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2023. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

LCC Historic Environment have been consulted and have indicated that the submitted archaeological WSI meets the required standards. They therefore recommend that condition 4 can be discharged.

Condition 8

Before the commencement of the development hereby granted beyond oversight, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

The applicant intends to dispose of surface water into Soakaways. The relevant consultees have been consulted during the assessment of this application, with the Drainage Board not submitting any comments. The development is for one dwelling; therefore, soakaways should be acceptable.

In conclusion, on balance, the details are acceptable and should be discharged.

Conclusion

The details in relation to Conditions 4 and 8 are acceptable and can be discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.